

REMARKS

The Final Office Action mailed July 7, 2010, has been received and carefully noted. Claims 1-28 are currently pending in the subject application and are presently under consideration.

The claims are amended as set forth above. Entry of the amendments is requested. Support for the amendments can be found in the Specification as filed.

Favorable reconsideration of the pending claims is respectfully requested in view of the amendments and the following comments.

I. Objections to the Claims

Claims 1-28 are objected to because Claim 1 recites “notifying an application about the if the change is relevant.” See Office Action mailed July 7, 2010, page 3. Applicants have amended Claim 1 to recite “notifying, by the agent, an application about the changed data if the change is relevant for that application.” Accordingly, reconsideration and withdrawal of the objection to the claims are requested.

II. Claim Rejections – 35 C.F.R. §101

Claims 1-13 are rejected under 35 U.S.C. §101 because the claimed invention is allegedly directed to non-statutory subject matter. The Examiner alleges that claim 1 does not pass the machine-or-transformation test because “the particular machine is present in a step that is only insignificant ‘extra-solution’ activity.” See Office Action mailed July 7, 2010, page 3. The Applicants have amended the claims according to the Examiner’s suggestions. Thus, the use of the particular machine involves significant activity that is central to the purpose of the method and therefore directed to statutory subject matter. These amendments should be entered in the event the examiner maintains the art rejection discussed below as these amendments will reduce issues on appeal. In view of the amendments, the Applicants respectfully request reconsideration and withdrawal of this rejection.

III. Claims Rejected Under 35 U.S.C. §103

Claims 1, 4, 5, 7, 9, 14, 15, 18, 19, 21, 23 and 28 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 5,991,536 by Brodsky, *et al.* (hereinafter "Brodsky") in view of U.S. Patent No. 6,029,175 by Chow, *et al.* (hereinafter "Chow"). The Applicants respectfully requests withdrawal of this rejection because Brodsky and Chow do not teach or suggest all the limitations of the claims as amended.

To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

Ex parte Clapp, 227 USPQ 972, 973 (Bd. Pat. App. & Inter. 1985). See M.P.E.P. §706.02(j).

Independent claim 1 recites, among other elements, "requesting, by an agent executing in a computer system, changed data from the data object." The Examiner concedes that Brodsky does not explicitly disclose this limitation. However, the Examiner alleges that Chow discloses this limitation and cites step 459 of figure 38 and column 29 lines 50-57 of Chow. See Office Action mailed July 7, 2010, pages 6-7.

Column 29 lines 50-57 of Chow describes step 459 of figure 38 and states the following:

If a search specification is defined for the object, then the object is obtained from the network in step 459 by following the object's search specification. For example, the object identification code itself may specify a primary or unique source for the object, and in this case the Revision Manager directs a request over the network to the primary or unique source for the object.

See Chow, column 29 lines 50-57; See Office Action mailed July 7, 2010, pages 6-7. However, Chow does not disclose that the Revision Manager requests changed data from the object. Rather, Chow discloses that the entire object is obtained from the network. Furthermore, the clients in Chow issue a GET command to the Revision Manager to access the object which causes the clients to reload the entire object. See Chow, column 6 lines 7-15. Therefore, Chow

does not disclose “requesting, by an agent executing in a computer system, changed data from the data object.”

The Examiner further states the following:

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified the notification manager of Brodsky with the teachings of Revision Manager from Chow because this feature would have provided a mechanism which operates as an intermediary between a client, such as a browser executed at a user's terminal, and a local or remote network server, to automatically retrieve changed documents previously accessed from network and inter-network servers (col. 3, lines 60-67 and col. 4, line 1 of Chow).

See Office Action mailed July 7, 2010, page 8. However, the Examiner has not articulated “a finding that there was some teaching, suggestion, or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings” as required by M.P.E.P. §2143. Brodsky discloses a notification manager which acts as an intermediary between the observer object and the object hierarchy. See Brodsky, column 4 lines 26-28. The notification manager includes functions for notification over a network which allows distribution of the object hierarchy across a network with observer objects residing on multiple computers. See Brodsky, column 5 lines 51-59. Therefore, there is no motivation to modify the notification manager of Brodsky with the teachings of the revision manager of Chow to provide an intermediary between a client and a network server because Brodsky provides for this mechanism.

For at least the reasons mentioned above, the Examiner has failed to establish a *prima facie* case of obviousness because the Examiner has not established that Chow includes the element “requesting, by an agent executing in a computer system, changed data from the data object” as recited in Applicants' claim 1 and thus has not established that Brodsky and Chow include each element of claim 1, and the Examiner has not articulated a finding that there was some teaching, suggestion, or motivation to modify Brodsky with the teachings of Chow. Therefore, claim 1 is not obvious in view of Brodsky and Chow. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 1 are respectfully requested.

Claims 4, 5, 7, and 9 depend from independent claim 1 and thus incorporate the respective limitations thereof. For at least the reasons mentioned in regard to claim 1, these claims are not obvious over the cited references. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 4, 5, 7, and 9 are respectfully requested.

Independent claim 14 includes elements analogous to those discussed above in regard to claim 1 including “to call a second method by the agent to obtain changed data from the data object.” For at least the reasons mentioned above in regard to claim 1, claim 14 is not obvious over the cited references. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 14 are respectfully requested.

Claims 15, 18, 19, 21, and 23 depend from independent claim 14 and thus incorporate the respective limitations thereof. For at least the reasons mentioned in regard to claim 14, these claims are not obvious over the cited references. Accordingly, reconsideration and withdrawal of the obviousness rejection of claims 15, 18, 19, 21, and 23 are respectfully requested.

Independent claim 28 includes elements analogous to those discussed above in regard to claim 1 including “getting changed data from the data object.” For at least the reasons mentioned above in regard to claim 1, claim 28 is not obvious over the cited references. Accordingly, reconsideration and withdrawal of the obviousness rejection of claim 28 are respectfully requested.

Claims 6, 8, 13, 20, 22 and 27 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brodsky in view of Chow and in further view of U.S. Publication No. 2005/0015441 by Attwood, *et al.* (hereinafter “Attwood”).

These claims depend from independent claims 1 and 14 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1 and 14, these claims are not obvious over Brodsky in view of Chow. Further, the Examiner has not relied upon and the Applicants have been unable to discern any part of Attwood that cures the above-mentioned defects of Brodsky and Chow. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

Claims 2, 3, 10-12, 16, 17 and 24-26 stand rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Brodsky in view of Chow, as applied to claims 1 and 14, and in further view of U.S. Patent No. 6,044,205 by Reed, *et al.* (hereinafter "Reed").

These claims depend from independent claims 1 and 14 and incorporate the limitations thereof. Thus, at least for the reasons mentioned above in regard to independent claims 1 and 14, these claims are not obvious over Brodsky in view of Chow. Further, the Examiner has not relied upon and the Applicants have been unable to discern any part of Reed that cures the above-mentioned defects of Brodsky and Chow. Accordingly, reconsideration and withdrawal of the obviousness rejection of these claims are requested.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes a telephone conference would be useful in moving the case forward, he is encouraged to contact the undersigned at (310) 207-3800.

If there are any additional fees due in connection with the filing of this response, please charge those fees to our Deposit Account No. 02-2666.

Respectfully submitted,

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Dated: 8/24, 2010

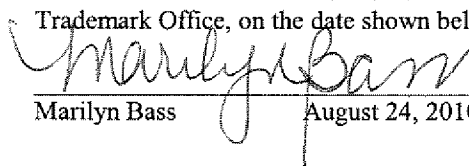
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Marilyn Bass August 24, 2010